



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 34] नई दिल्ली, शुक्रवार, अगस्त 14, 1987/श्रावण 23, 1909

No. 34] NEW DELHI, FRIDAY, AUGUST 14, 1987/SRAVANA 23, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 14th August, 1987:—

BILL No. 67 OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1987.
2. In article 74 of the Constitution, in clause (2), the words "but may be inquired into by Parliament" shall be added at the end.
3. After article 78 of the Constitution, the following article shall be inserted, namely:—

"78A. The Parliament may inquire into whether the duties of the Prime Minister referred to in article 78 were performed by the Prime Minister."

Short title.

Amend-
ment of
article 74.

Insertion
of new
article 78A.

Power of
Parlia-
ment to
inquire
into the
duties of
Prime
Minister
as res-
pects the
furnish-
ing of
informa-
tion to
the Presi-
dent.

STATEMENT OF OBJECTS AND REASONS

There has been a serious public debate over the question as to whether there is any remedy if the Council of Ministers fails to satisfactorily aid and advise the President as required by article 74 of the Constitution. Article 74(2) prevents the question being inquired into in any Court. But the Constitution is silent over the issue as to whether Parliament can inquire into the matter. This Bill seeks to make a specific provision that Parliament may inquire into the question.

Article 78 of the Constitution provides for the obligatory duties of the Prime Minister in respect of communicating to the President all decisions of the Council of Ministers and furnishing such information as the President may call for. The question whether the Prime Minister has satisfactorily performed his duties in furnishing information to the President cannot be inquired into in any Court in view of the existing article 74 of the Constitution. This Bill seeks to make a definite provision that Parliament may inquire into this question.

There can be no article of the Constitution against the violation of which there is no remedy at all. This Bill seeks to remove the lacuna.

NEW DELHI;
July 3, 1987.

MADHU DANDAVATE

BILL NO. 71 OF 1987

A Bill to provide for banning of migration of doctors and engineers to foreign countries.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Doctors and Engineers (Banning of Migration to Foreign Countries) Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force at once.

2. Notwithstanding anything contained in any other law for the time being in force, any citizen who has obtained a degree in medicine or in engineering from an institution in the country shall not be allowed to migrate to a foreign country for permanent settlement.

Short title,
extent
and
commence-
ment.

Banning
of migra-
tion by
doctors
and
engineers.

Approval
of Gov-
ernment
for
pursuing
higher
studies,
etc. by
doctors
and
engineers.

3. Any citizen who has taken a degree in medicine or in engineering from any recognised institution in the country, if desires to go to a foreign country for pursuing higher studies or for research work, shall take prior permission from the Central Government in that regard:

Provided that such permission shall be granted by the Central Government to the citizen only on an undertaking to be furnished by him that he shall come back to the country within a specified period from the date of migration or immediately after he has finished higher studies or research work, whichever is earlier.

STATEMENT OF OBJECTS AND REASONS

A large number of citizens who take their degrees in medicine and in engineering in the country migrate to the foreign countries in the hope of earning more money. They have no will to serve the country which has provided them all the facilities to become a doctor or an engineer. This tendency of the engineering and medical graduates should be curbed by putting suitable restrictions on their migration to the foreign countries. Only such doctors and engineers should be allowed to go out of the country who want to pursue higher studies or to do research work. Such persons should be allowed to go out of the country only when they give an undertaking that they will come back to the country within a specified period or after finishing their higher studies or research work.

Hence the Bill.

NEW DELHI;
July 13, 1987.

BASAVARAJESWARI

BILL NO. 72 OF 1987

A Bill to provide for declaration and public scrutiny of assets by individuals and for matters connected therewith.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Declaration and Public Scrutiny of Assets of Citizens Act, 1987.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate authority” means the local authority under whose jurisdiction an individual is living and filing a return under section 3;

(b) “asset” means and includes all properties, both movable and immovable, held legally by an individual or by any member of his family or in *benami*;

(c) “Indian Penal Code” means Indian Penal Code, 1860; and

45 of 1860.

(d) “return” means the inventory of assets submitted to the appropriate authority.

Short
title,
extent
and
com-
mence-
ment.

Defini-
tions.

3. Every citizen having any assets shall submit to the appropriate authority of his dwelling, a return of all assets possessed by him and/or his dependents within first three months of every calendar year.

Submis-
sion of
annual
returns.

4. Every citizen, in his annual return submitted to the appropriate authority of his dwelling under section 3, shall state the reasons for increase, if any, in the assets and the sources thereof.

Returns
to include
the
reasons
for in-
crease in
assets.

5. The appropriate authority shall make a list of all returns filed with it and make available to any member of public a copy of the return submitted by any individual under its jurisdiction, on payment of a fee to be prescribed by the appropriate authority.

Availa-
bility of
returns
to the
public.

6. If any citizen having any assets fails to submit the return to the appropriate authority, he shall be punished with an imprisonment for six months and with a fine of rupees one hundred.

Penalty
for
non-sub-
mission of
returns.

7. If any return filed by an individual is proved to be false, he shall be liable to perjury and be punishable under section 193 of the Indian Penal Code.

Penalty
for false
declara-
tion.

STATEMENT OF OBJECTS AND REASONS

Corruption has been corroding the moral fibre of the nation. To root out corruption from the very source, it is proposed that all citizens having assets in the country shall submit a list of assets, possessed by them to the authorities concerned, every year. The Bill will go a long way to ensure a corruptionless society.

The Bill seeks to achieve this objective.

NEW DELHI;
July 3, 1987.

THAMPAN THOMAS

BILL No. 65 OF 1987

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1987.

Short
title
and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 78 of the Constitution of India,—

Amend-
ment of
article 78.

(i) in clause (a), after the words “to communicate”, the words “by way of a brief summary” shall be inserted;

(ii) in clause (b), after the words “such information”, the words “by way of a brief summary,” shall be inserted; and

(iii) after clause (c), the following provisos shall be added, namely:—

“Provided that in case of furnishing of information as regards proposals for legislation, to the President of India, the same shall be done by furnishing a copy of the draft legislation:

Provided further that the adequacy or otherwise of the communication made by the Prime Minister to the President of India under clause (a) or of the information furnished under clause (b) shall not be questioned.”.

STATEMENT OF OBJECTS AND REASONS

Article 78 of the Constitution has recently become a subject of bitter controversies. Apart from merits and demerits of the Constitutional issues involved, there is so much an air of uncertainty about the interpretation of article 78 that legal luminaries have interpreted the same in not less than ten varied forms.

Secondly, the Government process and its machinery being full of multiple facts and figures at any given time, communication to the President of India or furnishing of unlimited information to him, under clauses (a) and (b) of article 78 of the Constitution, is neither feasible nor practicable.

Therefore, this Bill proposes to amend article 78 of the Constitution to the effect that the communication to be made and the information to be furnished by the Prime Minister to the President of India under clauses (a) and (b) thereof may be in a summary form, except as regards proposals for legislation, in which case, it will be mandatory that a copy of draft legislation be furnished to the President.

The Bill also seeks to amend article 78 so as to make the adequacy or otherwise of the communication made by the Prime Minister to the President of India under clause (a) of article 78 or of the information furnished under clause (b) of the said article, unquestionable.

NEW DELHI;
July 13, 1967.

SHANTARAM NAIK

BILL NO. 68 OF 1987

A Bill to provide for deterrent punishment to those persons who are involved in communal riots or who preach communalism.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prevention of Communal Riots Act, 1987.

Short
title and
commen-
cement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. Notwithstanding anything contained in any other law for the time being in force, any person, found guilty in a communal riot or found preaching communalism, shall be barred from holding any office under the Union Government or the Government of a State and shall forfeit his right to vote or contest any election to any local body, Legislature of a State and to Parliament.

Punishment
to persons
found
guilty
in a
communal
riot or
preaching
commu-
nalism.

3. The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power
to make
rules.

STATEMENT OF OBJECTS AND REASONS

Large scale communal riots are occurring throughout the country even after 40 years of independence. The freedom of religion has been misused by the communalists. It is these elements who instigate the communal feelings in the country for their selfish gains. The communal riots have reached to such an extent that it is high time that the Government brought legislation to provide for deterrent punishment to those persons who are involved in communal violence and who preach communalism by depriving them of the privileges provided under the Constitution. These persons should be barred from holding any office or from contesting any election. If such a legislation is brought forward the communal riots can be prevented to a great extent.

Hence this Bill.

NEW DELHI;

H. N. NANJE GOWDA

July 14, 1987.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill provides that the Central Government shall make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative power, therefore, is of a normal character.

BILL NO. 69 OF 1987

A Bill to provide for the taking over of such religious places as are being misused and banning of schools/universities set up on communal lines.

Be it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the Taking Over of Religious Places and Banning of Schools/Universities Set Up on Communal Lines Act, 1987.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Taking
over of
religious
places as
are being
misused.

2. All religious places such as temples, Gurdwaras, Mosques and Churches which, according to the information available with the Central Government, have become a place for preaching communal hatred, for giving shelter to extremists and other anti-social elements or for dumping of arms shall be taken over by the Central Government.

3. (1) All religious places which are taken over by the Central Government shall be managed by a Central Board of Trustees to be constituted by the Central Government.

(2) All State Governments and Union territory administrations shall constitute a Board of Trustees in respective States and Union territories to help the Central Board in the management of religious places taken over by the Central Government in the respective States and Union territories.

4. All donations received in any religious place, taken over by the Central Government, shall be used for the proper up-keep and maintenance of such places.

5. The setting up of schools, colleges and universities on communal lines shall be banned.

Central Board of Trustees to manage the religious places taken over by the Government.

Donations received to be used for maintenance of religious places taken over.

Ban on setting up of schools, etc. on communal lines.

STATEMENT OF OBJECTS AND REASONS

Recent happenings show that constitutional provisions with respect to freedom of religion are being used to propagate false religious teachings, resort to violence is being taken in the name of protecting religion and religious places are being used for purposes which have nothing to do with the religion. For the last five or ten years we have seen that the religious places have become places for preaching communal hatred, for providing shelter to the extremists and anti-social elements. These places have been used for dumping arms and preaching violence and other anti-social activities. Thus, the purpose of secular India has been defeated and the freedom of religion has created ill-will among the different communities living in India. The schools, colleges and universities which were set up on communal lines have also become the target for creating hatred and communal violence. Therefore, the management of all the religious places in the country found indulging in such activities should be taken over by the Government and managed by the Government Trustees and the donations received in these places may be used in improving the conditions of these religious places. All the schools, universities and colleges set up on communal lines should be banned. These are the steps in the right direction to crush the communalist forces in the country and also to protect the secular character of the country.

Hence this Bill.

NEW DELHI;
July 7, 1987.

H. N. NANJE GOWDA

FINANCIAL MEMORANDUM

Clause 3(1) of the Bill provides for the constitution of a Central Board of Trustees by the Central Government for managing the affairs of such religious places which are taken over by it. Clause 3(2) provides for the constitution of a Board of Trustees by every State Government and Union territory administration to help the Central Board in the management of religious places taken over by it in the respective States and Union territories. There will be some expenditure by way of salaries, etc. on the Trustees to be appointed to these Boards. As far as the State Boards are concerned, the expenditure will be met by the respective State Governments. However, the Central Government will have to meet the expenditure for the Trustees appointed on the Central Board and also on the Boards of Union territories. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five lakhs per annum.

It is also likely to involve a non-recurring expenditure of about rupees two lakhs.

BILL No. 70 OF 1987

A Bill to amend the Public Financial Institutions (Obligation as to fidelity and Secrecy) Act, 1983 and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short
title and
commence-
ment.

1. (1) This Act may be called the Public Financial Institutions (Obligation as to fidelity and Secrecy) Amendment Act, 1987.

(2) It shall be deemed to have come into force on the day the Bill is introduced in the House of the People.

Amend-
ment of
section 3.

2. In section 3 of the Public Financial Institutions (Obligation as to fidelity and Secrecy) Act, 1983, in sub-section (1), after the words "A public financial institution shall not, except", the words "when enquired in Parliament or" shall be inserted. 48 of 1983.

Amend-
ment of
Act 15 of
1948.

3. In section 39 of the Industrial Finance Corporation Act, 1948, in sub-section (1), after the words "The Corporation shall not, except", the words "when enquired in Parliament or" shall be inserted.

Amend-
ment of
Act 63
of 1951.

4. In section 40 of the State Financial Corporations Act, 1951, in sub-section (1), after the words "The Financial Corporation shall not, except", the words "when enquired in Parliament or" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Public Financial Institutions (Obligation as to fidelity and Secrecy) Act, 1983 which received assent on 30th December, 1983, though enacted with good objectives, its provisions, sometimes, are interpreted as not permitting placing of the information before Parliament, that is sought by the members of Parliament. Though the members of Parliament have great responsibility yet very vital information relating to the amounts written off as bad debts and the reasons for writing them off is not placed before Parliament under the provisions of the Act. The Bill seeks to amend the Act with a view to providing that information relating to public financial institutions which is sought in Parliament, is made available to members of Parliament or Committees of Parliament.

Hence this Bill.

NEW DELHI;
July 14, 1987.

V. SOBHANADREESWARA RAO

SUBHASH C. KASHYAP,
Secretary-General.

